

COMMONWEALTH OF PENNSYLVANIA



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December 18, 2024

Via Electronic Mail

The Honorable Charles E. Rainey, Jr.
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

The Honorable Christopher P. Pell
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
110 North 8th St., Suite 503
Philadelphia, PA 19107

Re: Joint Application of Deer Haven LLC and PL
Utilities, LLC
Docket Nos. A-2024-3049591, A-2024-3049587

Pennsylvania Public Utility Commission v.
Deer Haven, LLC (Water)
Docket Nos. P-2024-3050545, I-2024-3051540

Pennsylvania Public Utility Commission v.
Deer Haven, LLC (Wastewater)
Docket Nos. P-2024-3050549, I-2024-3051541

Dear Chief Judge Rainey and Judge Pell:

Background

The Office of Consumer Advocate (OCA) has joined in each of the cases named above as an Intervenor. The OCA represents the public interest in ensuring that the customers of the Deer Haven water system and Deer Haven wastewater system receive utility services that are safe, adequate, reasonable, and in the public interest.

December 18, 2024

The OCA submits this letter in reply to the Joint Motion of Aqua Pennsylvania and Deer Haven LLC, as filed on December 17, 2024 (Joint Motion). Through the Joint Motion, Aqua and Deer Haven request that the Commission lift the stay entered by the Commission on August 26, 2024 (*August 26 Stay Order*) in the matter of the Joint Application of Deer Haven LLC and PL Utilities LLC, at Docket Nos. A-2024-3049591, A-2024-3049587 (Application Proceeding).

At present, Aqua is the receiver and operator of the Deer Haven wastewater utility pursuant to the *August 15 Emergency Order*, entered as *ex parte* relief by Chairman DeFrank and ratified by the Commission on August 22, 2024, at Docket No. P-2024-3050549. The *August 15 Emergency Order* initiated an investigation pursuant to Section 529(g) of the Public Utility Code, 66 Pa.C.S. § 529(g). The Commission's Section 529 Investigation of Deer Haven's wastewater utility certificate and operations is at Docket Nos. P-2024-3040549 and I-2024-3051541.

Prior to the initiation of the Section 529 investigation, Deer Haven LLC and PL Utilities, LLC filed their Joint Application on or about June 17, 2024 in the docketed Application Proceeding. The Joint Application pertains to the current certificate of public convenience and assets used by Deer Haven to provide wastewater service and PL Utilities' request for a certificate of public convenience to acquire the Deer Haven wastewater assets and begin providing wastewater service to Deer Haven's existing customers. The OCA filed a Notice of Intervention and Public Statement in the docket on July 15, 2024; however, at the time of filing its Notice of Intervention in the Application Proceeding, the OCA had not requested that the Joint Application be sent to the OALJ for hearings.

Position on Joint Motion

The OCA does not oppose Aqua and Deer Haven's Joint Motion request that the Commission lift the *August 26 Stay Order* in the Application Proceeding. In the *August 26 Stay Order*, the Commission chose to stay its review and investigation of the Joint Application, "pending the outcome of the Section 529 proceeding" initiated by the *August 15 Emergency Order*, as ratified. *August 26 Stay Order* at 7.

The OCA submits that the Deer Haven wastewater customers, who currently rely upon the efforts of Aqua as receiver and operator for utility service, may benefit from the Commission's evaluation and investigation, pursuant to Section 1103(a) and (b), of the Joint Application of Deer Haven and PL Utilities in the docketed Application Proceeding. 66 Pa.C.S. § 1103(a), (b). Lifting the stay will allow the Commission to review and determine whether the grant of certificate of public convenience authority, as requested by the Joint Applicants in the Application Proceeding, is necessary or proper for the service, accommodation, convenience, or safety of the public, pursuant to Section 1103. To be clear, while the OCA remains an Intervenor in the Application Proceeding, the OCA at this time is not requesting that the Joint Application be sent to the OALJ for the scheduling of hearings and proceedings.

December 18, 2024

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Barrett C. Sheridan

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Enclosures

cc: Secretary Rosemary Chiavetta (Via E-filing)
Paul Diskin, Technical Utility Services (email only: pdiskin@pa.gov)
Certificate of Service

CERTIFICATE OF SERVICE

Joint Application of Deer Haven LLC and : Docket Nos. A-2024-3049591,
PL Utilities, LLC : A-2024-3049587
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I hereby certify that I have this day filed electronically on the Commission’s electronic filing system and served a true copy of the following document, the Office of Consumer Advocate’s Letter to CALJ Rainey and ALJ Pell, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 18th day of December 2024.

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Dated: December 18, 2024